

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE PETITION OF:

CAROLE FERSTENBERG SAUSER, pursuant to 28 U.S.C.
§ 1782 to issue subpoenas upon MORGAN STANLEY & CO.
LLC, MORGAN STANLEY INVESTMENT MANAGEMENT,
INC., TOWERBROOK CAPITAL PARTNERS, L.P., and
TOWERBROOK INVESTOR II EXECUTIVE FUND L.P. for
production of documents for use in a foreign action.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 06/07/2018

18-MC-242 (JMF)

ORDER


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JESSE M. FURMAN, United States District Judge:

On June 6, 2018, Applicant Carole Ferstenberg Sauser filed an Application Pursuant to 28 U.S.C. § 1782 for an Order Compelling Discovery for Use in a Foreign Proceeding. (Docket No. 1). Although the Court has authority to address the Application *ex parte*, see *Gushlak v. Gushlak*, 486 F. App'x 215, 217 (2d Cir. 2012) (summary order) (“[I]t is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*.”), the Court sees no reason to do so here. It is therefore ORDERED that Applicant shall serve on Respondents a copy of the Application and supporting papers, together with a copy of this Order, no later than **June 12, 2018**, and file proof of such service on the docket. In addition, Applicant shall serve those same papers on Ronald Sauser — the party against whom the requested discovery is likely to be used — **by the same date**, also filing proof of service on the docket. See *Application of Sarrio, S.A.*, 119 F.3d 143, 148 (“[T]he ultimate targets of a § 1782 discovery order issued to third parties have standing to challenge the district court’s power to issue a subpoena under the terms of an authorizing statute.” (internal quotation marks omitted)).

Respondents and Ronald Sauser shall file any opposition to the Application no later than **June 26, 2018**. Applicant’s reply, if any, shall be due by **July 3, 2018**. If the parties believe that a conference would be helpful, either before or after the matter is fully briefed, they shall so advise the Court by letter.

SO ORDERED.

Dated: June 7, 2018
New York, New York



JESSE M. FURMAN
United States District Judge